

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rolando Vasquez	Team: Squad #8	CCRB Case #: 201700544	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 01/18/2017 5:00 PM	Location of Incident: Front of 136 West 3rd Street	Precinct: 06	18 Mo. SOL 7/18/2018	EO SOL 7/18/2018	
Date/Time CV Reported Wed, 01/18/2017 11:11 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 01/23/2017 11:22 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. LT Washington Zurita	00000	918509	NARCBMS
2. DT2 Joseph Franco	07972	925313	NARCBMS
3. POM Dennis Frey	07600	948987	NARCBMS
4. DT3 Richard Altamirano	29866	939866	NARCBMS

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 James Romano	1448	947429	NARCBMS
2. POM Sean Brown	24894	948704	NARCBMS
3. DT3 Sean Haggerty	4923	945800	NARCBMS
4. UC 0347		000000	
5. UC 0084		000000	

Officer(s)	Allegation	Investigator Recommendation
A.LT Washington Zurita	Abuse: Lieutenant Washington Zurita authorized the stop of the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.	
B.POM Dennis Frey	Force: Police Officer Dennis Frey pointed his gun at § 87(2)(b)	
C.DT3 Richard Altamirano	Force: Police Officer Richard Altamirano pointed his gun at § 87(2)(b)	
D.DT2 Joseph Franco	Force: Detective Joseph Franco pointed his gun at § 87(2)(b)	
E.POM Dennis Frey	Discourtesy: Police Officer Dennis Frey spoke discourteously to § 87(2)(b)	
F.DT3 Richard Altamirano	Discourtesy: Police Officer Richard Altamirano spoke discourteously to § 87(2)(b)	
G.DT2 Joseph Franco	Discourtesy: Detective Joseph Franco spoke discourteously to § 87(2)(b)	
H.POM Dennis Frey	Force: Police Officer Dennis Frey used physical force against § 87(2)(b)	
I.DT2 Joseph Franco	Abuse: Detective Joseph Franco frisked § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
J.DT3 Richard Altamirano	Abuse: Police Officer Richard Altamirano searched the vehicle in which § 87(2)(b) was an occupant.	
K.POM Dennis Frey	Abuse: Police Officer Dennis Frey refused to provide his name and shield number to § 87(2)(b)	
L.DT3 Richard Altamirano	Abuse: Police Officer Richard Altamirano refused to provide his name and shield number to § 87(2)(b)	

Case Summary

This complaint was filed by § 87(2)(b) on January 18, 2017 with IAB by phone.

On January 18, 2017, at approximately 5:00 p.m., § 87(2)(b) was inside of her car parked outside of a McDonald's at 136 West 3rd Street in Manhattan. § 87(2)(b)

§ 87(2)(b) was with her boyfriend, § 87(2)(b). Members of the Manhattan South Narcotics Bureau were involved in an undercover buy and bust operation in the vicinity of the McDonald's. Suspecting that her vehicle might be involved with the apprehended drug dealer, § 87(2)(b)'s vehicle was stopped by members of buy and bust operation on the instruction of Lt. Washington Zurita (**Allegation A**). PO Dennis Frey, PO Richard Altamirano (who has since been promoted to detective rank), and Det. Joseph Franco approached the vehicle with their guns drawn and pointed at § 87(2)(b) and § 87(2)(b) (**Allegation B-D**). PO Frey, PO Altamirano, and Det. Franco allegedly told § 87(2)(b) and § 87(2)(b) to "get the fuck out of the car" (**Allegation E-G**). PO Frey forcibly removed § 87(2)(b) from her car (**Allegation H**). Det. Franco frisked § 87(2)(b) after having him exit the vehicle (**Allegation I**). After § 87(2)(b) was removed from the vehicle, PO Altamirano allegedly searched her car (**Allegation J**). PO Frey and PO Altamirano refused to provide their name and shield numbers to § 87(2)(b) (**Allegation K-L**). § 87(2)(b) and § 87(2)(b) were not arrested or summonsed as a result of this incident. UF-250 stop, question, and frisk reports were prepared regarding the stop of § 87(2)(b) and § 87(2)(b).

This case is being submitted for review beyond the 90-day benchmark due to a delay caused by difficulties in obtaining video footage from the NYPD. An initial request to the NYPD TARU division for footage from a pole camera produced negative results. A concurrent investigation into this incident is being conducted by the NYPD Chief of Detectives investigation unit. The undersigned learned that this concurrent investigation had obtained the video footage. This footage was requested and ultimately attained by the CCRB. The NYPD's concurrent investigation remains open as of the date of this report.

Mediation, Civil and Criminal Histories

- This case was suitable for mediation and it was offered to § 87(2)(b) during her interview. § 87(2)(b) chose to have her complaint investigated.
- The NYC Office of the Comptroller responded to a request indicating that no notice of claim has been filed by § 87(2)(b) or § 87(2)(b) regarding this incident (BR01).
- § 87(2)(b) and § 87(2)(b) do not have a history of any criminal convictions in NYC.

Civilian and Officer CCRB Histories

- This is the first complaint filed by § 87(2)(b) and § 87(2)(b) with the CCRB that fell within the Agency's jurisdiction (BR02-03).
- Lt. Zurita has been a member of the service for 20 years and has two prior substantiated allegations in case 201114303. These allegations involve an incident in with then Sgt. Zurita authorized officers to stop and frisk an individual without sufficient basis to do so. The Board recommended charges for both allegations. The NYPD enforced no disciplinary action for the frisk and instructions for the stop. Lt. Zurita has four additional

prior allegations involving stops of vehicles or persons (two were exonerated and two were unsubstantiated by the Board).

- PO Frey has been a member of the service for six years and has no substantiated allegations. PO Frey has seven prior allegations involving three cases. § 87(2)(g) PO Frey has one prior refusal to provide name/shield number allegation in case 201213320 which was unsubstantiated by the Board.
- Det. Altamirano has been a member of the service for 11 years and has no substantiated allegations. Det. Altamirano has seven prior allegations involving five cases § 87(2)(g) Det. Altamirano also has three open allegations in case 201702356 which is still under investigation.
- Det. Franco has been a member of the service for 17 years and has three substantiated allegations in CCRB case 201606384. The Board substantiated allegations of a vehicle search, search of person, and frisk and recommended Command Discipline A. The NYPD has yet to make a disposition on these allegations. Det. Franco's CCRB history includes an additional eight allegations. § 87(2)(g) Det. Franco has three prior gun drawn/pointed allegations (two were unsubstantiated and one was Exonerated by the Board).

Potential Issues

- § 87(2)(b) was identified as a potential witness to this incident. § 87(2)(b) was arrested as a result of the narcotics team's buy and bust operation associated with this incident. § 87(2)(b) legal representative, § 87(2)(b) from § 87(2)(b), did not allow the investigation to obtain a statement from § 87(2)(b) regarding this incident due to his pending criminal case.

Findings and Recommendations

Explanation of Subject Officer Identification

Det. Altamirano denied searching § 87(2)(b)'s vehicle. § 87(2)(b) described that the subject officer of this allegation approached her vehicle from the front. She described the subject officer of the search as a white or Hispanic male, heavyset build, weighing 250-300 pounds, standing 5'6" to 5'7" tall. Det. Altamirano acknowledged being the officer who approached at the front of the vehicle. According to his pedigree sheet, Det. Altamirano is a Hispanic male, stands 5'10" tall, and is the heaviest member of the field team at 230 pounds, aside from PO Brown who is a black male. § 87(2)(g)

Allegation A – Abuse of Authority: Lieutenant Washington Zurita authorized the stop of the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants.

It is undisputed that Lt. Zurita, in his capacity as the supervisor on scene, authorized members of his field team to stop the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants. § 87(2)(g)

§ 87(2)(b) and § 87(2)(b) provided the following generally consistent testimony (BR 04-05). § 87(2)(b) and § 87(2)(b) were in the area getting ice cream from a shop near the McDonald's at 136 West 3rd Street. § 87(2)(b)'s car, a black Honda Civic, was parked in front of the McDonald's. They returned from getting ice cream and used the bathroom in the McDonald's. § 87(2)(b) and § 87(2)(b) got back into § 87(2)(b)'s car. After discussing for a few minutes what they were going to do next, their vehicle was stopped by plainclothes officers who approached on foot.

Video footage from an NYPD pole camera was received by the investigation (BR06). The video captures the drug dealer involved in this incident, § 87(2)(b) leaving the McDonald's with an undercover officer. § 87(2)(b) is seen wearing a black jacket and grey sweatsuit. As he is leaving, § 87(2)(b) is walking toward § 87(2)(b)'s black Honda Civic which is parked in front of the McDonald's and has its headlights turned on. No other vehicle is parked immediately behind the Honda Civic. § 87(2)(b) stops beside the vehicle before moving out of frame. Officers are seen running toward the car. The apprehension of § 87(2)(b) occurs out of frame of the camera.



201700544_20170526_0930_DM.mp4

Lt. Zurita testified that he was advised by one of his undercover officers that he had arranged to buy narcotics from an individual at the McDonald's at 136 West 3rd Street (BR07). Lt. Zurita did not have any information about how many potential subjects were going to be involved. Lt. Zurita arrived at the scene with his field team. Lt. Zurita observed a black male standing on the sidewalk outside of the McDonald's next to a phone booth. Also next to the black male was a black Honda Civic which was running. Lt. Zurita proceeded to go inside the McDonald's. Lt. Zurita watched from inside the McDonald's as the undercover approached the aforementioned black male, who was subsequently arrested and identified as § 87(2)(b) and briefly engaged him in conversation. The undercover and § 87(2)(b) entered the McDonald's and went into the bathroom. The undercover and § 87(2)(b) soon thereafter exited the bathroom and the McDonald's. Upon exiting, § 87(2)(b) was walking toward the black Honda Civic. From the angle he was watching from inside the McDonald's, it looked like § 87(2)(b) was leaning against the Honda Civic. The undercover walked away and Lt. Zurita received the signal that a positive drug buy had transpired. At this point, Lt. Zurita believed that the Honda Civic was a part of the transaction and instructed members of his field team via radio to stop the vehicle. Lt. Zurita had no reason other than the proximity of § 87(2)(b) to the Honda Civic to believe that the vehicle was associated with the drug transaction. The sole reason for authorizing the stop of the vehicle was the proximity of § 87(2)(b) proximity to the vehicle and Lt. Zurita's suspicion that it was associated with the transaction. There was never any interaction between § 87(2)(b) and the passengers of the vehicle before they were stopped.

In People v. Debour, 40 N.Y 2d 210 (1976), the court established four levels of intrusion that officers may subject a citizen to during a street encounter. In order to stop and forcibly detain an individual (a level three encounter) officers must possess individualized reasonable suspicion that the person has committed, is committing, or is about to commit a felony or misdemeanor (BR08). For any stop, the justification must exist at its inception and "the police may not justify a stop by a subsequently acquired suspicion resulting from the stop."

In People v. Durant, 175 A.D.2d 176 (1991), the court found that officers did not have reasonable suspicion to stop an individual who was merely standing alongside someone who was wanted by the police (BR09).

§ 87(2)(g)
[REDACTED]

Allegation B – Force: Police Officer Dennis Frey pointed his gun at § 87(2)(b)

Allegation C – Force: Police Officer Richard Altamirano pointed his gun at § 87(2)(b)

Allegation D – Force: Detective Joseph Franco pointed his gun at § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) were consistent in testifying that officers approached the vehicle they were sitting in from different directions on foot. PO Frey approached on the driver's side beside § 87(2)(b). Det. Franco approached on the passenger side beside § 87(2)(b) and PO Altamirano approached at the front of the vehicle. All the officers around the vehicle had their firearms drawn and pointed at § 87(2)(b) and § 87(2)(b).

PO Frey initially testified that he did not have his weapon drawn upon approaching the vehicle (BR10). PO Frey was presented a Threat, Resistance, and Injury (TRI) Report he prepared regarding this incident (BR11). The report reflects that he “removed occupant from driver side with weapon being drawn.” After seeing this documentation, PO Frey did not dispute the accuracy of the TRI but stated that he did not have a recollection of whether or not he drew his weapon.

In their testimony, Det. Altamirano and Det. Franco acknowledged having their weapons drawn and pointed toward the occupants inside of the vehicle. Det. Franco testified that he approached with his weapon drawn because he was conducting felony car stop (BR12). Based on his experience as a police officer for 18 years, Det. Franco explained that car stops are dangerous and that the involvement of narcotics always presents the potential for violence. Det. Franco drew his weapon as a precaution for his safety. Det. Altamirano testified that he approached the vehicle from the front (BR13). He heard PO Frey saying to the occupants of the vehicle, “Put your hands up. Put your hands up. Put the car in park. Put the car in park.” The car then rolled forward for about half a second. Det. Altamirano drew his firearm and pointed it at the front windshield of the

vehicle because the car had started moving despite the commands to put it in park, Det. Altamirano became fearful for his safety and drew his weapon.

Lt. Zurita testified that narcotics officers receive training to approach vehicles involved in a felony car stop with their weapons drawn and pointed at occupants of the vehicle. The justification behind this action is that vehicles pose a danger to officers. Also, specifically in regards to narcotics situations, drug dealers are known to carry weapons with them.

PG 221-01 states that “the decision to display or draw a firearm should be based on an articulable belief that the potential for serious physical injury is present” (BR14). The courts have recognized that officers face inordinate risks to their safety upon approaching a vehicle stopped under suspicion of violating the law (People v. Livigni, 88 A.D.2d 386 [1982]) (BR15). Further, the courts have recognized inherent dangers and violence specific to narcotics related crime (People v. Ballejo, 495 N.Y.S.2d 75 [1985]) (BR16). Administrative rulings have not distinguished between the drawing and pointing of a gun in cases where “drawing a gun was found to have been reasonable in ordering a person out of a car in the course of investigating a traffic infraction or criminal activity (PD v. Gilner, [OATH Index 955/00]) (BR17).

§ 87(2)(g)

[REDACTED]

Allegation E – Discourtesy: Police Officer Dennis Frey spoke discourteously to § 87(2)(b)

Allegation F – Discourtesy: Police Officer Richard Altamirano spoke discourteously to

§ 87(2)(b)

Allegation G – Discourtesy: Detective Joseph Franco spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified that all the officers who approached her vehicle, PO Frey, PO Altamirano, and Det. Franco were shouting, “Get the fuck out of the car.” PO Frey opened § 87(2)(b) s driver’s side door. § 87(2)(b) did not know what was happening and believed she was being car-jacked because she did not know the men were police officers. PO Frey began pulling on § 87(2)(b) s arm. § 87(2)(b) resisted because she did not know what was happening. § 87(2)(b) heard someone say “Police” and § 87(2)(b). PO Frey said, “Shut the fuck up” and pulled her out of the car. Outside of the car, § 87(2)(b)

again told PO Frey that she was a member of the service. PO Frey again told her to “shut the fuck up.”

§ 87(2)(b) testified that PO Altamirano, who was at the front of § 87(2)(b)'s car, was shouting, “Get the fuck out of the car.” § 87(2)(b) put his hands up. § 87(2)(b) was screaming, “I have to put it in park. I have to put it in park. § 87(2)(b)” The officer dealing with § 87(2)(b) on the driver's side, who § 87(2)(b) believed to be Lt. Zurita but the investigation determined was PO Frey, said “Shut the fuck up” to § 87(2)(b) kept repeating that she was on the job until she was finally pulled out of the car.

Lt. Zurita, PO Frey, Det. Altamirano, Det. Franco, all provided generally consistent testimony that officers were issuing various commands to the occupants of the vehicle as they approached to stop the vehicle. These commands included “Get out of the car,” “Step out of the vehicle,” “Don't move,” “Put your hands up,” and “put the car in park” PO Frey, Det. Altamirano, and Det. Franco denied using any profanity toward § 87(2)(b) and § 87(2)(b). All the officers interviewed, including witness officer PO Sean Brown, denied hearing any officer use any profanity toward § 87(2)(b) and § 87(2)(b).

PG 203-09 states that officers must be courteous and respectful in their conduct with the public (BR18).

§ 87(2)(g)
[REDACTED]

Allegation H – Force: Police Officer Dennis Frey used physical force against § 87(2)(b)

§ 87(2)(b) testified that her driver's side door and windows were closed. PO Frey opened the driver's side door where she was sitting. PO Frey started yanking on § 87(2)(b)'s left arm. § 87(2)(b) was resistant because she still did not know that the people who had approached her vehicle were police officers. § 87(2)(b) clarified that she had stopped her body and leaned away from PO Frey. § 87(2)(b) heard someone yell “Police.” § 87(2)(b) started trying to put her car in park because it was still in drive. PO Frey continued yanking on § 87(2)(b)'s arm. § 87(2)(b) was finally able to get the car in park when PO Frey leaned over her and was unbuckling her seatbelt. Once the seatbelt was off, PO Frey pulled § 87(2)(b) by the arm again. § 87(2)(b)'s body moved out of the car and in one motion she fell face first to the ground. PO Frey pulled § 87(2)(b)'s arms behind her back and handcuffed her.

Later in the evening following this incident, § 87(2)(b) went to § 87(2)(b) because she felt pain to her arm and shoulder. The records associated with this treatment were received from the hospital (BR19). § 87(2)(b) reported to medical personnel that she felt pain on the left side of her body resulting from assault by police. Her physical evaluation revealed no abnormality and no further procedures were conducted. § 87(2)(b) was diagnosed with muscle pain and was prescribed a muscle relaxer and anti-inflammatory medicine for pain relief.

As described above, § 87(2)(b) testified that § 87(2)(b) was in the driver's seat and was telling PO Frey that she was a member of service as he was yanking on § 87(2)(b)'s left arm. § 87(2)(b) was not moving around. Det. Franco then approached on the passenger side, asked him to exit, and he complied in doing so.

PO Frey testified that he approached the vehicle on the driver's side. PO Frey was stating, "Police. Step out of the vehicle. Step out of the vehicle. Put the car in park. Put the car in park." PO Frey could not see inside the vehicle because the windows were tinted. This prompted PO Frey to open the door. Almost simultaneously when he opened the door, the vehicle moved forward. PO Frey could not describe how much the vehicle moved forward and how quickly it moved forward. Fearing that the vehicle could now be used as a weapon against him or members of his team, PO Frey reached over § 87(2)(b) and put the car in park. PO Frey issued more commands for § 87(2)(b) to exit the vehicle. PO Frey did not remember if § 87(2)(b) doing anything with her body as this was happening. PO Frey then grabbed § 87(2)(b)'s arm and pulled her out of the car. PO Frey did not remember if § 87(2)(b) was doing anything as he pulled her out. As a result of the momentum, § 87(2)(b) and PO Frey fell to the ground. PO Frey did not intend to bring § 87(2)(b) to the ground. PO Frey handcuffed § 87(2)(b).

The video received from NYPD does not capture the driver's side of § 87(2)(b)'s vehicle where this aspect of the incident occurred. The passenger side of the vehicle is visible and Det. Franco is seen removing § 87(2)(b) from the passenger side. As Det. Franco is removing § 87(2)(b) the car moves forward briefly at a slow speed (BR06, see embedded video above in discussion of stop).

PG 221-01 states that force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances.

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Allegation I – Abuse of Authority: Detective Joseph Franco frisked § 87(2)(b)

§ 87(2)(b) testified that Det. Franco asked him to step out of the car. § 87(2)(b) complied in exiting the vehicle. Det. Franco handcuffed § 87(2)(b). Det. Franco then patted down the pockets on § 87(2)(b)'s jacket and pants. § 87(2)(b) was wearing a black bubble jacket and blue jeans. § 87(2)(b) had his keys in a jacket pocket and his wallet in one of his rear pant pockets. § 87(2)(b) had been holding his cell phone in his lap while he was in the car.

The UF-250 Stop report prepared by Det. Franco in regards to the stop of § 87(2)(b) noted that “for precautionary reasons, subject was detained and frisked to ensure safety and conduct investigation” (BR20).

Det. Franco testified that as he approached the vehicle, § 87(2)(b)'s hands were down by his side where he could not see them. Det. Franco asked § 87(2)(b) to exit the vehicle. § 87(2)(b) was compliant and did not resist in exiting the vehicle. Det. Franco had a hand on § 87(2)(b)'s arm as he was exiting the vehicle. Det. Franco frisked § 87(2)(b) upon removing him from the vehicle. Det. Franco frisked § 87(2)(b) to ensure that he did not have any weapons on him. Det. Franco observed a single bulge on § 87(2)(b) which he believed to be a cell phone because it was clipped to § 87(2)(b)'s shirt by his hip. No other bulges were observed. The only reason that Det. Franco suspected § 87(2)(b) might have had a weapon was that he believed he had been connected to the drug transaction based on the direction he received to stop the vehicle.

PG 212-11 discusses the conduct of officers during investigative encounters (BR21). PG 212-11 states that “a frisk is authorized when the member of the service reasonably suspects the person is armed and dangerous. This includes situations in which the officer reasonably suspects that the person has committed, is committing, or is about to commit a violent crime or when the officer observes something on the person that she/he reasonably suspects is a weapon.”

In People v. Harrill, 19 Misc. 3d 1141(A)(2008), the court acknowledged that “violence is typically associated with narcotics trafficking.” However, the court distinguishes that the possession or sale of narcotics is not defined by the Penal Law as a “violent” crime. In narcotics cases, the courts have analyzed the surrounding circumstances of interactions involving narcotics crimes to see if a protective frisk is warranted (BR22).

§ 87(2)(g)

Allegation J – Abuse of Authority: Police Officer Richard Altamirano searched the vehicle in which § 87(2)(b) was an occupant.

§ 87(2)(b) testified that immediately after she was pulled out of her vehicle, PO Altamirano entered her car through the driver's door and was looking inside the glove compartment and the center console in the car. Nothing was removed from § 87(2)(b)'s car. A few minutes later § 87(2)(b) was still trying to tell the officers that § 87(2)(b). § 87(2)(b) asked PO Frey if he wanted to check her bag to get her ID. PO Frey asked where the bag was. § 87(2)(b) told him that her bag was in the back seat on her pocket book. PO Altamirano entered the backseat but did not find her ID. Later in the incident, after § 87(2)(b) was uncuffed, § 87(2)(b) went into the car herself and retrieved her ID for the officers.

§ 87(2)(b) testified that after he was asked to get out of the vehicle after § 87(2)(b) was removed, § 87(2)(b) did not see if anyone entered the vehicle because he was engaged with Det. Franco outside of the car.

As discussed above, the available video did not capture the driver's side of § 87(2)(b)'s vehicle and could not be used to assess this allegation.

Det. Altamirano testified that when he approached the scene of the positive narcotics buy, he did not know why officers were approaching the vehicle. Det. Altamirano denied that he searched the vehicle after § 87(2)(b) was removed from the vehicle. Det. Altamirano denied have any suspicion that there were drugs or contraband in the vehicle. After the passengers of the vehicle were removed, Det. Altamirano went to the driver's side of the vehicle. § 87(2)(b) stated that she was an NYPD school safety agent. Det. Altamirano asked her where her ID was. § 87(2)(b) described to Det. Altamirano where in her car the ID was and he retrieved it after she had given him consent to do so. Det. Altamirano did not remember where in the car he retrieved the ID from. Det. Altamirano did not enter the car for any other reason than to retrieve § 87(2)(b)'s ID.

Lt. Zurita, Det. Franco, PO Frey, PO Brown, and Det. Romano denied seeing any vehicle search being conducted.

PO Frey's testimony differed from Det. Altamirano's in the following regard. PO Frey stated that after he removed § 87(2)(b) from the vehicle, she stated to him that she was § 87(2)(b). § 87(2)(b) told PO Frey where her ID was. PO Frey did not remember where she said her ID was but remembered that it was somewhere on her person. PO Frey retrieved her ID himself.

§ 87(2)(b) acknowledged allowing PO Altamirano into her vehicle for the limited purpose of obtaining her ID after she was able to explain to him that she was § 87(2)(b). However, at dispute is a separate search alleged by § 87(2)(b) that occurred immediately after she had been removed from her car. § 87(2)(b) was unable to observe whether the alleged conduct occurred. The witness officers to this allegation denied seeing any vehicle search occur. PO Altamirano denied searching the vehicle and stated he had no reason to believe there was evidence inside. § 87(2)(g)

§ 87(2)(g)

Allegation K – Abuse of Authority: Police Officer Dennis Frey refused to provide his name and shield number to § 87(2)(b)

Allegation L – Abuse of Authority: Police Officer Richard Altamirano refused to provide his name and shield number to § 87(2)(b)

§ 87(2)(b) testified that after she was removed from her car, Lt. Zurita spoke with her to ascertain whether or not she knew the subject of the narcotics operation, § 87(2)(b). After it was determined that § 87(2)(b) and § 87(2)(b) were not involved, they were unhandcuffed. § 87(2)(b) asked Lt. Zurita for his name and badge number. Lt. Zurita provided this information to her. § 87(2)(b) asked Det. Franco for his name and badge number and he provided it to her at some point before he left the scene. § 87(2)(b) asked PO Frey and PO Altamirano for their name and badge numbers as well. Both officers shook their heads and told her that they would give them her information once they got everything figured out. § 87(2)(b) never learned their names because they walked away before the end of the incident. § 87(2)(b) told the officers that she needed their information because she, § 87(2)(b). § 87(2)(b) provided Det. Franco's name during her interview but did not remember Lt. Zurita's name during her interview.

§ 87(2)(b) filed this complaint with IAB via phone. The IAB Log associated with this complaint reflects that the IAB investigator spoke with § 87(2)(b) at 11:11p.m. on the incident date (BR23). The incident occurred at approximately 5:00 p.m. During this call, § 87(2)(b) reported that she had been able to obtain the name for Det. Franco and the lieutenant on the scene. § 87(2)(b) stated that she did not get the name of the officer who removed her from the car because he walked away before she had a chance to get this information (BR24).

Det. Altamirano testified that after he had retrieved § 87(2)(b)'s ID from her car, she continued talking with himself and PO Frey about being § 87(2)(b). § 87(2)(b) asked Det. Altamirano for his name and shield number. Det. Altamirano provided this information to her verbally. § 87(2)(b) did not say why she wanted this information and did not say anything about having to § 87(2)(b). Det. Altamirano denied telling her that he would give her the information later and denied refusing to provide this information. Det. Altamirano did not remember if § 87(2)(b) asked anyone else for their name and badge number. Det. Altamirano was instructed by Lt. Zurita to bring § 87(2)(b) to the prisoner van. Det. Altamirano left the scene to do this.

PO Frey testified that Lt. Zurita spoke with § 87(2)(b) after she was removed from the vehicle. § 87(2)(b) stated that she was § 87(2)(b) and asked questions about what was going on. Lt. Zurita informed her of the reason for the stop. PO Frey did not remember § 87(2)(b) ever asking him for his name and shield number. PO Frey denied that he told her he

would give her the information later and denied ever refusing to give her this information. § 87(2)(b) did not say anything about having to § 87(2)(b)

Lt. Zurita, Det. Romano, PO Brown, and Det. Franco all denied hearing any officer refuse to provide their name and shield number to § 87(2)(b). Lt. Zurita testified that while he was speaking with § 87(2)(b) to determine whether or not she was involved in the drug transaction she asked him for his name and shield number. Lt. Zurita told her that she would provide it to her at the conclusion of his investigation, which he did along with Det. Franco. During his investigation, Lt. Zurita described that § 87(2)(b) was irate and hysterical. Lt. Zurita was not aware of § 87(2)(b) having asked anyone else for their name and shield number.

Patrol Guide 203-09 states that officers must “courteously and clearly state your rank, name, shield number and command, or otherwise provide them, to anyone who requests you to do so.”

§ 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Squad: 8

Investigator:	_____	_____	_____
	Signature	Print	Date
Squad Leader:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date